

The Rhode Island Waiver Process

The Rhode Island Diploma System is designed to ensure that students who earn a high-school diploma are ready for success in postsecondary education and in challenging careers. One of the components of our Diploma System is the requirement that high-school students must succeed on the state assessments (NECAP) – attaining the level of partial proficiency on 10th-grade standards *or* demonstrating improvement when they take the test again in their senior year – in order to earn a diploma. We do understand, though, that for some students a statewide assessment may not be the most appropriate way to measure their proficiency, and we certainly have no intention of withholding a diploma from any student who is ready for success beyond high school. For that reason, our regulations also include the opportunity for students to seek a waiver from the requirement that they succeed on state assessments.

Under our regulations, LEAs are responsible for developing and implementing a waiver process. As part of this responsibility, LEAs must:

- Adopt, publish, and communicate a waiver protocol, as part of their graduation policy;
- Establish roles and responsibilities; and
- Evaluate the fairness and consistency with which they apply the waiver protocol to all eligible students.

To help you comply with these provisions, we have developed model documents. These documents can provide you with a waiver policy that you can adopt, or you can use these documents as guidance in developing your own waiver policy. In the coming weeks, we will provide additional guidance, including sample profiles of students who are and who are not eligible for a waiver, information around the use of the Language Proficiency Adjustment (LPA) as part of the waiver process, and other technical assistance.

We are providing you with this guidance well in advance of your granting any waivers so as to give you time to adopt a waiver policy and to establish waiver processes.

Please keep in mind that, except in rare cases, students are *not* eligible to seek a waiver until they have been through two administrations of the state assessment and have participated in the intervention activities described in their progress plan. The earliest that students may apply for a waiver is after they receive the scores from the second administration assessments, that is, in early spring of their senior year. Please also note that any student who seeks a waiver:

- Must have met all other graduation requirements,
- Must demonstrate the required level of proficiency in mathematics or reading, and
- Must have valid evidence demonstrating the required level of proficiency.

The authority to make the final decision to grant a waiver rests with the Superintendent, Head of School, or Charter Director. Families and students may appeal waiver decisions through the established appeals process. RIDE may review LEA waiver policies and protocols as part of our Diploma System Review process.

I hope that you find this guidance that we are providing to be helpful, as we continue working together to prepare all of our students for success.

Waiver Policy

[INSERT LEA NAME] WAIVER FOR THE STATE-ASSESSMENT GRADUATION REQUIREMENT

OVERVIEW

As set forth in the 2011 *K-12 Literacy, Restructuring of the Learning environment at the middle and high school levels, and proficiency based graduation Requirements (PBGR) at High Schools Regulation (Secondary Regulations)*, all students must complete each of the following graduation requirements in order to earn a diploma:

- (1) Successful completion of a minimum of 20 courses;
- (2) Demonstration of proficiency through performance-based assessments; and
- (3) Attainment of the level of “partially proficient” on the state grade 11 assessment or measureable improvement of the student’s initial score on the grade 11 state assessment.

Students have the opportunity to meet the state initial assessment requirement through the use of other approved assessments only after completion of two administrations of the state assessment in the required content areas. In relatively few cases, students who do not meet the required level of proficiency on the state assessment or other approved assessments may apply for a waiver. For such students, [LEA NAME] will develop and implement a waiver process, which ensures a fair, efficient, and accurate review of waiver applications.

The 2011 Secondary Regulations describe the conditions under which Local Education Agency (LEAs) may grant waivers for the state assessment requirement for high school graduation for students who have attained and can demonstrate the required level of proficiency, as set forth below:

***L-6-3.3.** If a student is unable to demonstrate graduation readiness through the state assessment or a Regents-approved testing alternative, the student may apply to his or her LEA for a waiver of the state assessment portion of the graduation requirements. LEAs are authorized to grant waivers from the state assessment requirement set forth in this section only in those rare cases in which the state assessment is not a valid means of determining the proficiency of individual students. Waiver eligibility will be considered only for those students for whom: (1) there is a preponderance of evidence of academic content mastery consistent with 6-3.0 of these regulations and (2) the student has completed the sequence of testing requirements set forth in this section.*

[LEA NAME] is the decision-making body for waivers exempting [School] students from the state assessment diploma requirement.

[LEA NAME] is authorized to grant waivers in appropriate cases, and through the adoption of this policy hereby establishes a local process that ensures a fair, efficient, and accurate review of waiver applications. The Superintendent is hereby charged with decision-making authority for granting waivers. [LEA NAME] commits to be proactive in monitoring a student's eligibility for a waiver and, when appropriate, support the compilation of evidence needed for a waiver.

IMPLEMENTATION

Waivers apply to *only* the state assessment component of the student graduation requirements. A student must meet the eligibility criteria, outlined in the *Waiver Protocol* [Appendix 1], in order to be considered for a waiver. At a minimum, the conditions by which students can be considered for a waiver are:

- (1) Demonstration of academic content mastery [as defined in Appendix 2] consistent with the 9-10 grade level standards;
- (2) Completion of the sequence of state testing requirements including participation and demonstrated effort in their Progress Plan; and
- (3) Completion of all of the other graduation requirements (course work, performance assessments and other local graduation requirements).

[LEA NAME] hereby establishes a local process for the review of waivers that includes district-level involvement in the final decision process. This process shall include:

- a. The establishment, adoption and communication of policy and procedures for the waiver process.
- b. Publication and communication of the timeline for requesting waivers, the length of time for reviewing evidence and for making waiver decisions.
- c. The establishment of a waiver review team.
- d. Identification of roles and responsibilities for reviewing evidence.
- e. Identification of the types and amount of evidence used in making waiver decisions.
- f. Development and maintenance of a system for managing the evidence used to make waiver determinations.
- g. Establishment of a process for documenting and making available waiver decisions.

The Superintendent is hereby directed to ensure the [LEA NAME] waiver process grants waivers only in those specific conditions described in this policy and the attached waiver protocol. It is explicitly acknowledged that the Rhode Island Department of Education will monitor the [LEA NAME] waiver process and the granting of waivers during the diploma system review process. It is the responsibility of [LEA NAME] to store all sources of evidence used to make waiver decisions and to make such evidence available as part of student records, upon request in response to appeals, or as part of the Diploma System Review process.

LEGAL REFERENCE

Regulations of the Board of Regents for Elementary and Secondary Education: K-12 Literacy, Restructuring of the Learning Environment at the Middle and High School Levels, and Proficiency Based Graduation Requirements (PBGR) at High Schools – Section L-6-3.3, Use of state assessments for high school graduation.

HISTORY RI Dept. of Education: *Initial Guidance for High School Regulations*
Approved: March 2010

Appendix 1: Waiver Protocol

Establishment of the Waiver Process

Waivers are not the same as exemptions from participation in a particular administration of the state assessment. Exemption decisions are made at the time of each administration of the state assessment on the basis of established criteria.

Students are not eligible to begin the waiver process until they have completed, at minimum, the second administration of the state assessment in the required content areas.

As part of establishing a waiver process, the Superintendent shall be responsible for the completion of the following five steps for successful implementation of a Waiver Process.

1. STUDENT ELIGIBILITY

Establish clear criteria to be considered in **determining student eligibility to apply for a waiver** and inform students and their families of those criteria. To the extent possible, information on the waiver process should be integrated into the Individual Learning Plan or other existing monitoring processes. This includes monitoring students' potential eligibility for a waiver based on prior testing and performance and communicating to students and their families of the specific conditions in which a waiver may be granted. Communication to families should be in the preferred language or mode of communication unless it is clearly not feasible to do so.

Waivers are intended only for students for whom there is clear evidence that they have reached the required level of proficiency. To determine if a student is eligible for a waiver, there must be evidence that the student has met the following criteria.

The student has:

- Successfully completed all elements of their local graduation requirements *except for the state assessment; and*
- Completed the sequence of state testing requirements, NECAP administration in October of the 11th grade and if needed again in their senior year, set forth in the 2011 Secondary Regulations; and
- Documented evidence of academic content mastery consistent with the 9-10 grade level standards, which include multiple [a minimum of two] and different types of evidence; and
- Demonstrated effort to improve their skills through participation in their Progress Plan and demonstrated commitment to their academic success through the completion of their senior year.
- Where appropriate, a documented pattern of discrepancy between their demonstrated level of proficiency and their performance on standardized assessments.

2. ELIGIBLE EVIDENCE

Establish clear criteria for determining which **evidence is eligible** to be considered in making waiver determinations. The criteria used to determine if evidence is eligible must, at a minimum be aligned to the 9 – 10 grade level standards.

The table below provides examples of eligible evidence and a few examples of ineligible evidence.

NOTE: No one piece or type of evidence is sufficient to demonstrate that a student meets the proficiency requirement in the waiver determination.

Examples of Eligible Evidence*	Examples of Evidence Not Sufficient for Supporting Waiver Eligibility
<ul style="list-style-type: none">• Course performance in academic content aligned to 9-10 grade level standards that reflect the proficiency descriptions [Appendix 2] as measured by:<ul style="list-style-type: none">○ Course work, course assessments and course grades○ Performance assessments/tasks in math and/or reading○ Virtual Learning math modules○ Relevant activities/material in progress plan• Portfolio work aligned to 9-10 grade level standards in required areas• Outside activities/projects aligned to the grade 9-10 grade level standards.• Outcome data collected from interim and/ or progress monitoring assessments.• Outcome data collected from high quality assessments administered by a certified test administrator.• A language proficiency adjustment (LPA) score for eligible ELL students. <p>*Evidence can include activities or products that were accomplished with appropriate accommodations but not those activities accomplished with modifications that alter the content of the 9-10 grade level standards.</p>	<ul style="list-style-type: none">• Performance in courses below the 9-10 grade level standards• Letters of support• Student attendance records• Number of credits earned• Outside activities unrelated to the testing domain

3. EVIDENCE EVALUATION

Establish clear criteria for evaluating evidence that will be reviewed to determine the student's level of proficiency. These criteria should include:

- a. Identifying individual courses or sequences of courses that must be completed. Course content must include, at minimum, state adopted standards for Algebra I and Geometry and

required standards for 9th and 10th grade English Language Arts. Courses should be aligned to national codes such as SCED codes.

- b. Identifying the level of performance in those courses that would indicate a demonstrated level of proficiency that reflects the 9-10 grade level standards. The level of performance should be similar to that of students in those same courses who have met the state assessment requirement.
- c. Identifying the manner in which the level of achievement on performance-based diploma assessments may contribute evidence of student proficiency.
- d. Identifying the manner in which performance evidence, such as successfully completed course work or progress monitoring assessment results, gathered through the Progress Plan may contribute evidence of student proficiency. **Note:** successful completion of a Progress Plan alone will not provide sufficient evidence to grant a waiver.
- e. Identifying common non-school sources of evidence that will be considered, such as dual enrollment courses, earned technical credentials or licensure, extended learning opportunities, etc., in the tested content areas.

4. APPLICATION REVIEW SYSTEM

Establish a system for review of waiver applications that considers student eligibility and evidence. This should include the review team, the student, family, and other appropriate personnel (e.g. Advisor, support specialists, special educator). The review team should be composed of, at minimum, a school-level administrator, school counselor, and content specialist and include representation from both special education and ESL/Bilingual education.

5. EVIDENCE COLLECTION

Collect and maintain evidence used to develop proficiency profiles for student waiver decisions. This collection should be kept for no less than one year from the time of decision. The summary form [Appendix 3] must be kept for a period of five years from the date of decision.

Upon review of individual waiver applications, recommendations shall be forwarded by the review team to the Superintendent for final approval and signature.

APPEALS

Students and families retain the right to **appeal** overall graduation decisions in accordance with the LEA appeal policy. Appeals encompass all components of the state graduation requirements as well as any local graduation requirements. All students and their families may appeal a graduation decision made by the LEA. The district school board hears and is the decision-making body for appeals. This is different from the waiver process, which is only applied to the state assessment component of the high school diploma requirements.

EXEMPT STUDENTS

The Secondary Regulations state that students who participate in the Rhode Island Alternate Assessment (RIAA) are not eligible to receive a high school diploma and therefore are not eligible for consideration of a waiver.

Appendix 2: Proficiency Descriptions

Content area specialists at RIDE developed the following with input from district content specialists as part of the suite of guidance documents for the implementation of the secondary regulations. These descriptions are intended to describe a student who is proficient at the 9-10 grade level standards. The state assessment requirement is for students to demonstrate partial proficiency at the 9-10 grade level standards.

For the purposes of determining eligibility for a waiver from the state assessment, a district may use the following strategy to identify the **minimum** level of proficiency required for a waiver:

- Identification of the students who are doing well on the state assessment (Partially Proficient or Proficient on NECAP);
- Determining their level of performance on local performance-based assessments and courses; and
- Examining their course enrollment patterns.

This will help establish a profile of the level of performance required for graduation and will provide a profile of what an eligible student should look like in the evidence collected in coursework, performance assessments and other eligible activities.

Reading Proficiency Description

Students are prepared to read materials in post-secondary settings or in the workplace beyond high school. The student uses a variety of strategies to read with accuracy to understand (summarize and interpret) a range of literary and informational texts across content areas. The student identifies purpose for reading, uses literary elements, text structures, and / or text features to make and support assertions about texts. The student reflects on and can describe the role of reading in an area of specialized interest (e.g. flexible and appropriate use of strategies for different texts, reading for research, self-selecting text based on topic, interest, etc.).

Mathematics Proficiency Description

Students can demonstrate a conceptual understanding of number and operations; algebra and functions; data, statistics, and probability; and geometry and measurement. Students can apply a variety of strategies to determine and defend the reasonableness of solutions through correct, clear, and concise explanations by solving real-life situations. Students can generalize and apply these understandings to new situations and problems. Students can work within and across all types of real numbers and number systems. Students can understand concepts of and use properties of various functions represented in symbolic, graphic, and tabular form. Students analyze and interpret data presented in tables and graphs and use statistical models to prove and defend a position. Students can prove and justify geometric relationships.

Appendix 3: Waiver Summary Report

Waivers are intended only for those students for whom there is clear evidence that he or she has demonstrated the required level of proficiency to earn a diploma. This summary report must be kept for a period of five years from the date of decision and available for review.

STUDENT INFORMATION:

Name		Expected Graduation Date	
School		Date Waiver Submitted	
ID #		School Counselor	
DOB		Advisor	
Grade			

PROGRESS TOWARD DIPLOMA REQUIREMENTS:

Courses	Progress	Courses	Progress	NECAP	11 th Gr. Score	12 th Gr. Score
4 Math		Other		Math		
4 English		Other		Reading		
3 History		Other				
3 Science		Other				
Other		XX Total Courses Required	[# / XX]			

EVIDENCE OF STUDENT PROFICIENCY:

Evidence Documentation Name	Type of Evidence
Progress Plan Participation	
	<input type="checkbox"/> Coursework <input type="checkbox"/> Third Party Evidence <input type="checkbox"/> Performance/ Diploma Assessment <input type="checkbox"/> Other
	<input type="checkbox"/> Coursework <input type="checkbox"/> Third Party Evidence <input type="checkbox"/> Performance/ Diploma Assessment <input type="checkbox"/> Other
	<input type="checkbox"/> Coursework <input type="checkbox"/> Third Party Evidence <input type="checkbox"/> Performance/ Diploma Assessment <input type="checkbox"/> Other
	<input type="checkbox"/> Coursework <input type="checkbox"/> Third Party Evidence <input type="checkbox"/> Performance/ Diploma Assessment <input type="checkbox"/> Other

Waiver Approval:

☐ Waiver Approved ☐ Waiver Rejected

Principal _____ Date _____

Superintendent _____ Date _____

